



## Christchurch City Council

# BURWOOD/PEGASUS COMMUNITY BOARD AGENDA NO 246

WEDNESDAY 6 DECEMBER 2006

5.00 PM

IN THE BOARDROOM,  
CNR BERESFORD AND UNION STREETS  
NEW BRIGHTON

**Community Board:** Glenda Burt (Chairperson), Carole Evans, Carmen Hammond, Caroline Kellaway, Tina Lomax, Don Rowlands, Gail Sheriff

**Community Board Principal Adviser**  
Clare Sullivan  
Telephone: 941-6601  
Fax: 941-6604  
Email: clare.sullivan@ccc.govt.nz

**Acting Community Secretary**  
Leanne Smith  
Telephone: 941-6624  
Fax: 941-6604  
Email: leanne.smith@ccc.govt.nz

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**PART B - REPORTS FOR INFORMATION**

**PART C - DELEGATED DECISIONS**

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1. **APOLOGIES**

2. **CONFIRMATION OF REPORT**

The report of the ordinary meeting of the Burwood/Pegasus Community Board held on Wednesday 15 November 2006 has been circulated to Board members.

**STAFF RECOMMENDATION**

That the report of the ordinary meeting held on Wednesday 15 November 2006 be confirmed.

3. **PETITIONS**

4. **CORRESPONDENCE**

**REMOVAL OF FORESHORE SHELTERS**

The following letter was received from Jenny Lineham, Secretary, New Brighton Pier & Foreshore Promotion Society regarding the removal of the foreshore shelters:

*"Now that the shelters have been removed, the Society asks if there are any plans for the installation of seats. This area was well used and the loss of all this seating for families when their children are playing the pool is a pity. What plans are there to install some seats along the wall for this summer. We feel it is essential to get something in place at the earliest. Look forward to hearing from you in due course."*

5. **NEW BRIGHTON FORESHORE - PADDLING POOL SHELTER**

The following memorandum was received in response to the removal of the paddling pool shelter:

*"This memorandum is to clarify the sequence of events that lead up to the demolition of the paddling pool shelter and its replacement.*

*The shelter was identified as being in poor condition as part of the City Solutions biennial maintenance inspection of Greenspace assets. A more comprehensive assessment was carried out in mid-July and the area immediately cordoned off.*

*A meeting involving the relevant Council officers was held to discuss the most appropriate option and course of action to be taken in dealing with this issue. At that stage it was not known whether total or partial removal of the seaward wall was the best practical option and further costings and investigations were needed.*

*In order for the Board to have a full understanding of the final outcome it was decided to wait until all the facts were known and a solution decided upon. In taking this approach there was a 10 to 12 week delay, far longer than originally thought and in hindsight the Board should have been informed earlier. This situation, coupled with the fact that the contractor started work earlier than expected, not allowing sufficient time for Board to be fully informed, this undoubtedly would have caused members' concern and for this I apologise.*

*As can be seen from the work already carried out the most practical option was total removal of the shelter. The only sections to remain were the paddling pool plant room and the storage shed. Because this work was unforeseen and required some urgency, the action to replace the shelter is only an interim measure until an overall design of the foreshore reserve is undertaken. At this stage there are no definite plans for any work on the Foreshore Reserve as a result of work that has occurred in relation to development options.*

*The shelters will be replaced with a 1.2 metre high wooden trellis wind break and six picnic tables. To withstand the harsh coastal environment the materials to be used will have an expected life of 30 plus years. The **attached** plans show the detailed of the proposed layout. It is envisaged that this work will be completed prior to the busy Christmas/New Year period."*

6. DEPUTATIONS BY APPOINTMENT

7. RESIDENTS' ASSOCIATIONS/COMMUNITY GROUPS

Time is allocated at Board meetings for Residents' Association/Community Group representatives to address the Board on local matters. Each group is being invited to do this in rotation.

**Alex Drysdale, Avon/Heathcote Estuary Ihutai Trust** will be in attendance to provide an update on activities, outline issues and present a plaque to the Board.

**8. EASEMENT REQUEST FROM JOHN LEENAN, 8 WAITIKIRI DRIVE**

<b>General Manager responsible:</b>	General Manager Environment Group, DDI 941-8656
<b>Officer responsible:</b>	Corporate Support Manager
<b>Author:</b>	Angus Smith, Property Consultancy Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to inform the Board of an officer decision made under delegated authority declining a request for an easement through Bottle Lake Forest Park to the rear of a property off 8 Waitikiri Drive.

**EXECUTIVE SUMMARY**

2. Mr John Leenan, the owner of the property at 8 Waitikiri Drive has been requesting access by way of an easement along the edge of Bottle Lake Forest Park off Rothesay Road near the intersection with Waitikiri Drive.
3. This request has been considered on numerous occasions over a number of years by various Council staff and has been repeatedly declined. More recently this occurred formally through the exercising of an officer delegation.
4. Council officers believe this matter has been well considered and the decision making process sound and objective. Obviously this is not Mr Leenan's preferred outcome and as a result he has not accepted the decision nor given up on his request.

**FINANCIAL AND LEGAL CONSIDERATIONS**

5. The officer delegation exercised in this instance is to the Corporate Support Manager as follows:

*"Grant or decline, subject to any reasonable term or condition, consent to dealings with the Council's property including consent to the registration, variation and discharge of mortgages, easements, leases and subleases and their registration, caveats and other documents and similar dealings (excluding Reserve land). 23.10.96"*

**STAFF RECOMMENDATION**

It is recommended that the information be received.

**BACKGROUND**

6. Over a number of years Mr John Leenan, the property owner of 8 Waitikiri Drive has lobbied Council through a number of forums to gain private access rights through Bottle Lake Forest Park to the rear of his property, as indicated on the **attached** plan.
7. Mr Leenan is desirous of obtaining these rights in order that he can develop Lot 1 without providing access through his adjoining Lot 3 that has frontage to Waitikiri Drive. He does not wish to provide access through Lot 3 that contains his existing dwelling because:
  - It would require a garage/office to be relocated/removed.
  - The rear of Lot 3 is lower than the front portion containing the dwelling therefore some reasonable contouring/engineering work would need to occur.
  - Having a driveway close to his existing house to access Lot 1 would detract from the amenity value of his and potentially the neighbour's property.
8. Various Council officers have considered this matter over the years with all consistently declining the request. It should be noted that there is no obligation to grant this easement, it is simply the Council's prerogative.
9. It is also interesting to note that Waimairi District Council's approval to this subdivision in 1989 was quite explicit in that Lot 1 be amalgamated with Lot 3 and that this was in accordance with the requirements and provisions of the then operative planning scheme. As a result it was noted on the title that Lot 1 had no frontage to a public road, this being the reason for amalgamation. These were accordingly known conditions to Mr Leenan at time of purchase.
10. In September 2004 Mr Leenan was formally advised that his request was declined and this was done so through exercising an officer delegated authority. This followed repeated requests and similar advice from officers over a number of years. Mr Leenan has continued to challenge this decision and has been met with the same response. More recently, in August 2005 he was again formally advised, following a review of the file by different Council officers that we would not resile from our original position. The factors in this decision are as follows:
  - Nothing has materially altered over the years to warrant a change in Council's thinking.
  - The original intent of Council subdivision and amalgamation of the two lots was for them to be access through Waitikiri Drive.
  - The impact on the potential future use of this land and the impact to provide access is considered minor and achievable through the property fronting 8 Waitikiri Drive.
  - There is potential for adjacent owners to claim similar access rights based on the precedent of this application, including creating city-wide precedent.
  - It is considered that the cost to accessing/developing Lot 3 through Bottle Lake Forest Park could well be at least as costly as any internal access options.
  - The future planning/development for Bottle Lake Forest Park is not yet finalised.
11. Though the land over which Mr Leenan has requested access rights is held as Fee Simple and zoned Residential, these factors are irrelevant to its current purpose and management. The land is clearly held and administered as part of Bottle Lake Forest Park.
12. While we acknowledge and understand that this is not the response and decision Mr Leenan would have wanted, this matter has been considered and reviewed by numerous Council officers from at least 2002. As a result it is considered that the decision on this matter has a high degree of independence and objectivity.

**OPTIONS**

13. It is not legally possible for elected members to review or reverse the decision of a Council Officer properly acting under an express delegated authority from the Council. A decision has been made under officer delegation and it is unlikely given the history and prior consideration that officers would resile from this decision.
14. However, if elected members were of a mind to review the officer decision it would be necessary for the Council to:
  - (a) Revoke the delegated authority of the officer concerned insofar as it effects the property at 8 Waitikiri Drive; and
  - (b) Invite Mr Leenan to reapply.

If Mr Leenan obliged with a further application then it would be necessary for the Council to consider the merits of his new application directly. The Board would have the opportunity to first make a recommendation to the Council.

This use of this option is not recommended as the administration of this type of minor application is clearly a management issue and not a governance issue.

9. NEW BRIGHTON ROAD BUS STOP RELOCATION

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Lindsay Eagle, Maintenance Engineer

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval for the relocation of a bus stop in New Brighton Road (see **attached** map).

**EXECUTIVE SUMMARY**

2. The Council received expressions of concern and a request regarding the safety of the bus stop on the riverbank opposite 209 New Brighton Road. The road shoulder was of insufficient width to allow a bus to pull to the side of the carriageway and permit bus users to alight. The river bank is steep in this area. Investigations indicated that that site could not be modified to provide a considered safe landing site for bus patrons.
3. The bus stop sign was therefore shifted about 120 metres along the roadside and installed in the position opposite the next unpaired bus stop. The position of this stop was not reported to the Board or formalised at that time.
4. Earlier this year a bus shelter was approved and installed at the changed bus stop location.
5. The bus stop has operated satisfactorily in this location for more than a year. To establish this regulatory parking restriction, the modified location should be properly resolved.

**STAFF RECOMMENDATIONS**

It is recommended that the Board resolve that:

- (a) The bus stop be revoked from the eastern side of New Brighton Road, opposite 209 New Brighton Road.
- (b) A bus stop be installed on the eastern side of New Brighton Road, opposite the boundary between 191 and 195 New Brighton Road.



**10. CRADOCK STREET/ESTUARY ROAD - PROPOSED "NO STOPPING" RESTRICTION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and City Streets Manager
<b>Author:</b>	Paul Burdon/Malcolm Taylor, Area Engineer (Community)

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval to install two sections of broken yellow "no stopping" line on the Cradock Street/Estuary Road intersection (see attached).

**EXECUTIVE SUMMARY**

2. The Council has received complaints from local residents regarding safety and congestion problems at the Cradock Street/Estuary Road intersection. Concerns have been raised regarding the amount of on-street car parking occurring in the immediate vicinity of the intersection causing congestion problems for turning vehicles and safety issues for school children crossing Cradock Street.
3. The Cradock Street/Estuary Road intersection is an uncontrolled "T" intersection and on-street parking on the northern side of the intersection is unrestricted. Parking on the southern side is restricted by a section of broken yellow line that extends into Cradock Street from a bus stop located on Estuary Road. Adjacent land use in the area is predominantly residential. The South New Brighton School is located on Estuary Road south of the Cradock Street intersection.
4. Currently on-street parking is occurring on both sides of Cradock Street close to and often on the corner with Estuary Road, in particular during the periods of Monday to Friday (school days) 8.40 to 9.10 am and 2.40 to 3.10 pm when parents are either dropping off or picking up children attending the South New Brighton School.
5. To improve road safety and congestion for road users it is proposed that a section of broken yellow "no stopping" line be installed at the Cradock Street/Estuary Road intersection removing two spaces. This is considered the most cost-effective and practical solution to the problem.
6. Consultation has been carried out with the only affected party at 122 Estuary Road and support has been forthcoming.

**FINANCIAL AND LEGAL CONSIDERATIONS****Cost**

7. The installation of road markings is within operational budgets.

**Legal**

8. The Land Transport Rules provide for the installation of parking restrictions including broken yellow (no stopping) lines.

**STAFF RECOMMENDATIONS**

It is recommended that the Board agree that:

- (a) The stopping of vehicles be prohibited at any time on the northern side of Cradock Street commencing at the Estuary Road intersection and extending in a westerly direction for a distance of 12 metres.
- (b) The stopping of vehicles be prohibited at any time on the western side of Estuary Road commencing at the Cradock Street intersection and extending in a northerly direction for a distance of 12 metres.

**11. CHRISTMAS BREAK: EMERGENCY DECISION MAKING**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Secretariat Manager
<b>Author:</b>	Leanne Smith, Acting Community Secretary

**PURPOSE OF REPORT**

1. The purpose of this report is to arrange for emergency issues to be dealt with by the Board over the 2006/07 Christmas period.

**EXECUTIVE SUMMARY**

2. There is a long break between Board meetings over the Christmas period. It is recommended that as usual therefore, an Emergency Committee with power to act be appointed to deal with any emergency issue that would otherwise go to the Board for decision.
3. In past years, it has been normal practice for the Board to give delegated authority to the Emergency Committee (that is, a quorum of the Chairperson and at least two members) to make decisions on its behalf.

**STAFF RECOMMENDATIONS**

It is recommended that the Board agree:

- (a) To establish an Emergency Committee with power to act to make emergency decisions on behalf of the Board for the period following its 6 December 2006 meeting, up until the Board resumes normal business proposed to commence on 7 February 2007; with any such decisions to be made in the presence of the Community Board Principal Adviser.
- (b) That the Committee comprise the Chairperson plus any two available members of the Board.
- (c) That any decisions made be reported to the first Board meeting in 2007.
- (d) That a notice of any Emergency Committee meeting be forwarded to all Board members.

**12. AMBROSIA EMPOWERMENT TRUST**

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941-8534
<b>Officer responsible:</b>	Community Development Manager
<b>Author:</b>	Marion Morton, Community Development Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is to advise the Board of the organisational changes at Ambrosia Empowerment Trust and confirm allocation of 2006/07 Board Project funding.

**EXECUTIVE SUMMARY**

2. After an organisational review at Ambrosia Empowerment Trust an existing staff member has left and with the agreement of Ambrosia Empowerment Trust, taken the A-Z Budgeting trade name and has continued this budgeting service. This service is now based at the Wainoni/Aranui Family Centre. Ambrosia Empowerment Trust still also offers a budgeting service under the new name of Ambrosia Budgeting.
3. The Board allocated \$20,000 to Ambrosia Empowerment Trust from the 2006/07 Project funding round. Funding was allocated as a contribution towards the wages of one staff member, supervision and volunteer expenses. Due to the restructure at Ambrosia the original outcomes of the project have changed. Staff would like to allocate funding to Ambrosia Empowerment Trust and change the original outcomes.
4. The establishment of Ambrosia Budgeting represents the third budgeting service within the Aranui area. All three services offered are complementary and deliver a slightly different service to their clients. Ambrosia Budgeting provides a more in-depth Total Money Management service, Supergrans' focus is on basic budgeting skills to help themselves and A-Z budgeting provides a crisis budgeting service. It is also recognised that there is a strong need in the community for this type of service and this is reflected by the four week waiting list at Supergrans alone to access budgeting support.

**FINANCIAL AND LEGAL CONSIDERATIONS**

5. The allocated amount of \$20,000 would need to be reallocated if the Board felt that it should not be paid to Ambrosia Empowerment Trust.

**STAFF RECOMMENDATIONS**

It is recommended that the Board:

- (a) Allocate the \$20,000 to Ambrosia Empowerment Trust, specifically Ambrosia Budgeting as agreed on 8 May.
- (b) That the Community Development Adviser works with Ambrosia Empowerment Trust to establish updated outcomes for the project.

**BACKGROUND**

6. Ambrosia Empowerment Trust has been operating in the Aranui community for four years. It provides services to the community such as a Community Café, parenting groups, support workers, food bank and the budgeting service A-Z Budgeting.
7. At its 8 May 2006/07 Project funding allocation meeting the Board allocated \$20,000 to Ambrosia Empowerment Trust. Funding was allocated as a contribution towards the wages of one staff member, supervision and volunteer expenses. This money has not yet been allocated to Ambrosia.
8. The expected outcomes of the project are the delivery of Budgeting for Change Courses, to enable people to understand and take control of their own budgets and how to achieve this. Also the delivery of Budget Advisers Course, to train people to become budget advisers so that they can help the ever increasing amount of people in the community needing help.
9. In September 2006 Ambrosia Empowerment Trust underwent an organisational review and as a result some staff members have left. One of those staff members, with the agreement of Ambrosia Empowerment Trust, took the A-Z Budgeting trade name and has continued this budgeting service. This service is now based at the Wainoni/Aranui Family Centre.
10. Ambrosia Empowerment Trust still also offers a budgeting service under the new name of Ambrosia Budgeting. They employ one budget adviser and have a team of four volunteers providing budget advice. All other services remain the same.
11. Ambrosia Budgeting is still able to deliver on the outcome of delivering Budgeting for Change Courses. As the person trained by the National Budgeting Federation to deliver the Budget Advisers Course has now moved to A-Z Budgeting the second outcome to deliver Budget Advisers Course can no longer be delivered. If funding is to be given to Ambrosia it is recommended that staff meet with the group to establish new outcomes for the Board's funding. Staff are confident appropriate outcomes can be negotiated with Ambrosia Budgeting, specifically numbers of clients worked with, record of volunteer hours and referrals from other Ambrosia services.
12. The establishment of Ambrosia Budgeting represents the third budgeting service within the Aranui area. All three services offered are complimentary and deliver a slightly different service to their clients. Ambrosia Budgeting provides a more in-depth Total Money Management service, Supergrans' focus is on basic budgeting skills to help themselves and A-Z budgeting provides a crisis budgeting service. It is also recognised that there is a strong need in the community for this type of service and this is reflected by the four week waiting list at Supergrans alone to access budgeting support.
13. All budget service providers in the area receive funding from other funding organisations to support their work in the Aranui community. As all three budgeting services provide many other wrap around services, it is difficult to establish exactly what percentage is for budgeting advice, but as an indication funding is also received from Lotteries Commission, The Community Trust, Jones Foundation, Eureka Trust, Scottwood Trust, COGS and Fletcher Trust.

**13. COMMUNITY RECREATION ADVISER'S UPDATE**

The Community Recreation Adviser will be in attendance to provide an update to the Board on recent and upcoming activities/events.

**14. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**

**14.1 NOTICE OF UPCOMING BOARD REPORTS**

- Anzac/Amelia Roger's Reserve
- Shortland Street Reserve

**14.2 TRANSPORT ISSUES UPDATE**

The Senior Liaison Officer will be in attendance to provide a quarterly update on Transport issues.

**14.3 BOARD OBJECTIVES 2006-09 (Attached)**

**14.4 FUNDING ASSESSMENT COMMITTEE MEETINGS**

Attached are minutes from two Funding Assessment Committee meetings held on 2 November 2006 to allocate funds from the Youth Development (**Attachment 1**), Community Development, Physical Sport and Recreation Schemes (**Attachment 2**).

**15. NOTICES OF MOTION UNDER STANDING ORDERS 2.16**

**16. QUESTIONS UNDER STANDING ORDERS 4.1**

Members may at any ordinary meeting put a question to the Chairperson concerning any matter relevant to the role or function of the Community Board concerning any matter that does not appear on the order paper. All questions are subject to Standing Orders 4.1.1 to 4.1.5.

**17. BOARD MEMBERS' INFORMATION EXCHANGE**

Board members will have an opportunity to provide updates on community activities and/or Council issues.

**18. RESOLUTION TO EXCLUDE THE PUBLIC (Attached)**